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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,926	12/30/2003	Nancy S. Borkowski	10559-876001 / P17395	6685
20985 7590 02/22/2008 FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER NGUYEN, PHUONGCHAU BA	
			ART UNIT 2616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/749,926	Applicant(s) BORKOWSKI, NANCY S.	
	Examiner Phuongchau Ba Nguyen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Mannering (6,404,804).

Regarding claims 1 and 8,

Mannering (6,404,804) discloses a method comprising:

monitoring a bit (in register CMD/STAT 30-fig.2) in a coprocessor (processor master DSP 22-fig.2) included in a packet engine (modem 20-fig.2) that represents an operation associated with a packet processor (computer D12/D14-fig.1) that includes the packet engine; and

providing the packet engine the status of the bit (col.6, lines 24-26, and col.7, line 7-col.8, line 12).

Regarding claims 2, 9, 16, 23, 26, Mannering further discloses wherein

monitoring the bit includes maintaining an indicator representing the status of

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the bit (CMD/STAT 30–fig.2, for maintaining an indicator of the status of the bit; see also step 64–fig.7).

Regarding claims 3, 10, 17, 24, 27, 30, Mannering further discloses wherein monitoring the bit includes maintaining an index identifying the bit (see steps 62–64, fig.7, wherein keeping the list of each error–free and error in the received word corresponding to location in bit).

Regarding claims 4, 11, 18, Mannering further discloses wherein monitoring the bit includes maintaining an indicator representing completion of monitoring of the bit (col.7, lines 43–50, wherein upon the completion of received command from command/status register 30, the modem will reset that same bit).

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Regarding claims 5, 12, 19, Mannering further discloses wherein monitoring the bit includes applying a logical mask to the bit (step 64–fig.7, for setting the bit in InMaskBuff to 1 for the received error location in the received word).

Regarding claims 6, 13, 20, Mannering further discloses wherein the bit represents servicing status of a digital subscriber line (col.6, line 57–col.7, line 34, i.e., acknowledgement bit, status bit,...,etc..).

Regarding claims 7, 14, 21, Mannering further discloses wherein the bit is a portion of a word (see fig. 4, wherein bit is a portion of the word, i.e., checksum/CRC).

Regarding claim 15,

Mannering (6,404,804) discloses a line monitor (computer D14–fig.1) comprises:

a computing device executing (modem 20, fig.2):

a process to monitor a bit (in register CMD/STAT 30-fig.2) in a coprocessor (processor master DSP 22-fig.2) included in a packet engine (modem 20-fig.2) that represents an operation associated with a packet processor (computer D12/D14-fig.1) that includes the packet engine; and

a process to provide the packet engine the status of the bit (col.6, lines 24-26, and col.7, line 7-col.8, line 12).

Regarding claim 22,

Mannering (6,404,804) discloses a system (fig.1) comprising:

a coprocessor (processor master DSP 22-fig.2) included in a packet engine (modem 20-fig.2) that is capable of,

monitoring a bit (in register CMD/STAT 30-fig.2) representing an operation associated with a packet processor (computer D12/D14-fig.1) that includes the packet engine; and

providing the packet engine the status of the bit (col.6, lines 24-26, and col.7, line 7-col.8, line 12).

Regarding claim 25,

Mannering (6,404,804) discloses a packet forwarding device (computer 12, 14, fig.1) comprising:

an input port for receiving packets (not shown, but inherent therein the computer 12, 14-fig.1, since computers 12 and 14 having modems M12 and M14 for communicating with each other);

an output for delivering the received packets (not shown, but inherent therein the computer 12, 14-fig.1); and

a coprocessor (processor master DSP 22-fig.2) included in a packet engine (modem 20-fig.2) that is capable of,

monitoring a bit (in register CMD/STAT 30-fig.2) representing an operation associated with a packet processor (computer D12/D14-fig.1) that includes the packet engine, and

providing the packet engine the status of the bit (col.6, lines 24-26, and col.7, line 7-col.8, line 12).

Regarding claim 28,

Mannering (6,404,804) discloses a method comprising:

monitoring a bit (in register CMD/STAT 30-fig.2) in a monitoring coprocessor (processor master DSP 22-fig.2) included in a network processing engine (modem 20-fig.2) that represents the servicing availability of a digital subscriber line associated with a network processor (computer D12/D14-fig.1) that includes the network processing engine; and

providing the network processing engine data representing the servicing availability of the digital subscriber line (col.6, lines 24-26, and col.7, line 7-col.8, line 12).

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

a/. Applicant argued that the slave DSP bus 24 (packet processor) does not include modem 20 (packet engine).

In reply, the new ground of rejection is applied herewith, wherein the packet processor (computer D12/D14-fig.1) includes modem 20.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Thursday from 8:30 a.m. to 7:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Phuongchau Ba Nguyen
Examiner
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